

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, et al., :
Plaintiffs, :
v. : CA 00-105L
THE PALESTINIAN AUTHORITY, et al., :
Defendants. :

ORDER
DENYING DEFENDANTS'
MOTION FOR MENTAL EXAMINATIONS

Before the Court is Defendants' Rule 35(a) Motion to Compel Mental Examinations of Plaintiffs (Docket ("Dkt.") #559) ("Defendants' Motion for Mental Examinations" or "Defendants' Motion"). A hearing was held on October 26, 2010. After reading the parties' memoranda and the relevant case law and also listening to the arguments of counsel, the Court DENIES Defendants' Motion.

The Court so rules because such examinations would inevitably require (or at the very least cause) the Plaintiffs who were adults at the time of the killings to again recall events which undoubtedly caused them great grief and distress. As for the minor Plaintiffs, although they presumably have no memory of their parents, requiring them to submit to an examination would still be intrusive and likely to cause them sadness as they would understand that the reason for the examination is related to the death of their parents at the hands

of terrorists. The Court also finds that such examinations are premature because Defendants' motion to vacate has yet to be granted. If it is denied, there would be no need for the examinations.¹

So ordered.

ENTER:

/s/ David L. Martin
DAVID L. MARTIN
United States Magistrate Judge
October 28, 2010

¹ In making this observation the Court is not indicating that if the motion to vacate is granted, a motion for examinations would necessarily be granted.